

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

DELAWARE AUDUBON SOCIETY,)
CENTER FOR FOOD SAFETY, and)
PUBLIC EMPLOYEES FOR) Ca No. 06-223
ENVIRONMENTAL RESPONSIBILITY)
Plaintiffs,)
vs.)
Secretary, Department of the Interior, DALE)
HALL, Director of United States Fish and)
Wildlife Service, and UNITED STATES)
FISH AND WILDLIFE SERVICE, an)
administrative agency of the United States)
Department of the Interior)
Defendants.

**NOTICE OF FILING
CERTIFICATION AND INDEX
TO THE
ADMINISTRATIVE RECORD**

Federal Defendants, Secretary, Department of the Interior, Dale Hall, Director of the U.S. Fish and Wildlife Service, and the United States Fish and Wildlife Service, files the Certification of the Administrative Record and the Index to the Administrative Record in this matter.

Copies of the complete administrative record have been provided to each party on a CD. A copy will be provided to the Court upon request.

Dated this 12th day of June, 2007

Respectfully submitted,

RONALD J. TENPAS
Acting Assistant Attorney General

/s/ Ruth Ann Storey
RUTH ANN STOREY
U.S. Department of Justice
Environment and Natural Resources Division
General Litigation Section
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UNITED STATES DISTRICT COURT FOR THE DISTRICT OF DELAWARE

DELAWARE AUDUBON SOCIETY,)
CENTER FOR FOOD SAFETY, and)
PUBLIC EMPLOYEES FOR ENVIRONMENTAL RESPONSIBILITY,)
Plaintiffs,)
)
v.)
)
Secretary, United States Department) Civil No.
of the Interior, DALE HALL,) 06-223-GMS
Director, U.S. Fish and Wildlife Service, and)
the U.S. FISH ANDWILDLIFE SERVICE,)
Defendants.)
)

DECLARATION OF SUSAN R. MCMAHON CERTIFYING THE U.S. FISH AND WILDLIFE SERVICE'S ADMINISTRATIVE RECORD

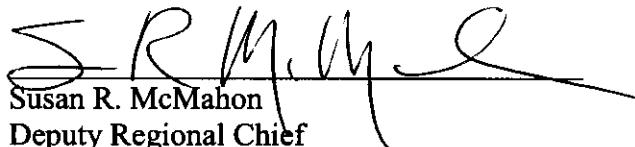
I, Susan R. McMahon, do make the following declaration:

1. I am the Deputy Regional Chief, National Wildlife Refuge System, Region 5, U.S. Fish and Wildlife Service (Service), U.S. Department of the Interior. As such, I am responsible for oversight of the Regionwide programs, issues and policies relative to the protection of fish and wildlife resources within the National Wildlife Refuge System, including matters dealing with formulating and implementing policies, standards, and procedures; coordinating Regionwide Program issues/policies (e.g., refuge management, public use, compatibility, comprehensive planning and outreach); developing short- and long-range plans, objectives, and priorities for ensuring adherence to the laws and policies which govern the management of the Service; and managing multimillion dollar budgets for assigned programs. I perform a full range of supervisory/managerial duties and responsibilities over four Divisions and two Branch Offices. These include the Division of Conservation Planning and Policy, Division of Visitor Services and Communications, Division of Refuge Field Support, Division of Realty, Office of Refuge Law Enforcement, and Office of National Wildlife Refuge System Budget. I also supervise the two Program Supervisors who provide direct oversight to all of the Refuge Project Leaders in Region 5. I have served in this capacity since September 12, 2001.
2. As the Deputy Regional Chief, National Wildlife Refuge System, I am aware of or was involved with the issues that are the subject of this proceeding, and serve as the custodian of the files from various Service offices that comprise the Service's Adminsitrative Reocrd.

3. Based on my official knowledge and information available to me, and except as indicated, I hereby certify that the complete Administrative Record of the Service's involvement in the issuance of cooperative farming agreements through its Prime Hook National Wildlife Refuge between 1995 and 2006, is listed in the attached index.
4. I have not included: transmittal sheets, faxes cover sheets and fax confirmation sheets, except where those documents reveal the date of transmittal that could not otherwise be ascertained, or contain comment or dialogue as opposed to merely transmitting attached documents; draft versions of cooperative farming agreements for which a final was produced and is included; scientific articles or papers listed in bibliographies or literature cited sections of correspondence, reports or other similar documents; documents concerning cooperative farming agreements created after the issuance and effective date of the last agreements to be finalized on March 15, 2006; documents related to the modification of the Service's genetically modified crop guidance beginning in 2003, except for Region 5's contributions to those discussions, and those correspondence specific to the Prime Hook National Wildlife Refuge; and, materials related to the Prime Hook National Wildlife Refuge's comprehensive conservation planning efforts, received prior to March 15, 2006, which are unrelated to farming practices or the reversion of farmland to grasslands that are the subjects of this litigation.
5. The Service's Administrative Record consists of agency documents and other materials maintained by the Service's Prime Hook National Wildlife Refuge, some of its other refuges, its Regional Office for Region 5, its Headquarters Office, as well as other sources, as indicated by the Index.
6. True and correct copies of the multi-volume Administrative Record and Index are attached hereto.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my information and knowledge.

Executed on the 11 day of July, 2007.



Susan R. McMahon
Deputy Regional Chief
National Wildlife Refuge System
Regional Office – Region 5
U.S. Fish and Wildlife Service
300 Westgate Center Drive
Hadley, MA 01035

ADMINISTRATIVE RECORD**U.S. FISH AND WILDLIFE SERVICE
PRIME HOOK NATIONAL WILDLIFE REFUGE****VOLUME 1 – AGENCY DECISION-MAKING**

<u>PAGE</u>	<u>DATE</u>	<u>DESCRIPTION</u>
US000001	1970	Cropland Management Plan – PHNWR
US000026	7/22/87	Cropland and Grassland Management Plan – PHNWR
US000042	11/93	FWS RONS Handbook – August 1993 – Secondary Use of PHNWR
US000050	06/94	Inventory of Secondary Uses Currently Occurring on the PHNWR
US000054	6/8/84	Memo from Asst Refuge Mgr, PHNWR to Refuge Mgr Bombay Hook NWR, subject: Compatibility
US000060	2/28/95	CFA between PHNWR and James C. Wells, Jr., Wells Farms Inc. (3/1/95 – 12/31/95)
US000067	3/14/95	CFA between PHNWR and Walls Enterprises (3/30/95 – 12/31/95)
US000073	2/28/95	CFA between PHNWR and Fred A. Bennett (3/1/95 – 12/31/95)
US000081	3/12/96	CFA between PHNWR and James C. Wells, Jr. (3/1/95 – 12/31/96)
US000090	3/12/96	CFA between PHNWR and J. Carlton Wells and Sons, Inc. (3/1/96 – 12/31/96)
US000099	3/12/96	CFA between PHNWR and Fred A. Bennett (3/1/96 – 12/31/96)
US000109	2/10/97	CFA between PHNWR and J. Carlton Wells and Sons, Inc. (3/1/97 – 12/31/97)
US000121	2/10/97	CFA between PHNWR and Walls Enterprises (3/1/97 – 12/31/97)
US000127	2/10/97	CFA between PHNWR and Fred A. Bennett (3/1/97 – 12/31/97)

PAGE	DATE	DESCRIPTION
US000137	2/10/97	CFA between PHNWR and James C. Wells, Jr. (3/1/97 – 12/31/97)
US000146	3/9/98	CFA between PHNWR and J. Carlton Wells and Sons, Inc. (3/1/98 – 12/31/98)
US000153	3/9/98	CFA between PHNWR and Fred A. Bennett (3/1/98 – 12/31/98)
US000161	3/9/98	CFA between PHNWR and James C. Wells, Jr. (3/1/98 – 12/31/98)
US000167	4/17/98	Roundup Ready Corn Available in 1998 (web page), Univ. of Illinois, Cooperative Extension Service
US000168	1999	1999 Mid-Atlantic Custom Work Rate Guide (Origin Unknown)
US000169	3/25/99	CFA between PHNWR and James C. Wells, Jr. (3/31/99 – 12/31/99)
US000176	3/26/99	CFA between PHNWR and Fred A. Bennett (3/31/99 – 12/31/99)
US000185	3/25/99	CFA between PHNWR and J. Carlton Wells and Sons, Inc. (3/31/99 – 12/31/99)
US000195	3/25/99	CFA between PHNWR and J. Carlton Wells and Sons, Inc. (3/31/99 – 12/31/99)
US000205	4/7/00	CFA between PHNWR and J. Carlton Wells and Sons, Inc. (3/27/2000 – 12/31/2000)
US000213	4/6/00	CFA between PHNWR and Wells Farm Inc. (3/27/2000 – 12/31/2000)
US000220	4/7/00	CFA between PHNWR and Fred A. Bennett (3/27/2000 – 12/31/2000)
US000229	12/15/00	Cropland Management FWS web page
US000230	1/26/01	PHNWR Pesticide Use Report for CY 2000, Crawford, Refuge Manager

PAGE	DATE	DESCRIPTION
US000233	4/10/01	CFA between PHNWR and J. Carlton Wells and Sons, Inc. (4/5/01 – 12/1/01)
US000240	4/11/01	Farmers/Landowners Meeting, Notes & Questions, Author Unknown
US000243	4/24/01	Note – observation of Carlton Wells and Sons,
US000244	4/26/01	Letter from Crawford/ PHNWR to Wells, Wells and Sons, Inc., re: field check on leaving sod strip
US000245	5/14/01	Memo from Asst Refuge Mgr, PHNWR to Acting PL, PHNWR, re: Farming Program CY 2001, J. Carlton Wells and Sons Inc.
US000246	5/16/01	Memo from Asst Refuge Mgr, PHNWR to Files, subject: CY 2001 Cooperative Farming Program, J. Carlton Wells and Sons; BT Corn
US000247	4/10/01	CFA between PHNWR and Wells Farm, Inc. (4/5/01 – 12/01/01)
US000253	4/9/01	CFA between PHNWR and Fred A. Bennett (4/5/01 – 12/01/01)
US000262	5/21/01	Memo to Asst Manager/PHNWR from Refuge Manager/PHNWR subject: Cooperative farming agreement with J. Carlton Wells and sons
US000263	6/27/01	Letter from Crawford/PHNWR to Wells, J. Carlton and Wells and Sons Inc., re: amendment to 2001 CFA, complete with a Map
US000265	7/3/01	Email chain ending with email from Crawford/PHNWR to Hudson/PHNWR, subject: clover worms and Grasshoppers
US000267	2001	Species at Risk FY 2001, Pre-proposal: Management for Grassland Breeding Birds on Northeast Refuges, FWS Washington Office
US000269	10/30/01	Email chain ending with email French, R5, Realty Officer, to Tom Worthington, Region 3, NWRS, re: Round up ready soybeans
US000271	11/5/01	R5 – PHNWR Biological Profile
US000282	11/7/01	Email from Gore, R5/FWS/NWRS, to Crawford/FWS/ NWRS, subject: The Bt-Corn Issue (forwarding attached article)

PAGE	DATE	DESCRIPTION
US000292	11/8/05	PHNWR CCP Scoping Meeting #1, Summary of Comments
US000295	2000-2001	PHNWR, Farming Program 2000 to 2001, Summary
US000299	8/01	PHNWR, Mowing Treatments – Summer 2001
US000301	2001	PHNWR, Cropland/Grassland Field Plan (map)
US000302	4/5/02	CFA between PHNWR and Fred A. Bennett (4/5/02 – 12/15/02)
US000312	4/8/02	CFA between PHNWR and J. Carlton Wells and Sons, Inc. (4/5/02 – 12/15/02)
US000320	4/5/02	CFA between PHNWR and James C. Wells, Jr. (4/5/02 – 12/15/02)
US000327	4/24/02	CFA between PHNWR and Ockels Farms Inc. (4/5/02 – 12/15/02)
US000332	4/30/02	Recommended Consistent Process for Determining the Compatibility of Cooperative Farming on NWRs in R5
US000338	10/17/02	Cape Gazette Article: Complaints about Prime Hook Refuge
US000339	1/13/03	Email chain ending with Email from Schafler/PHNWR to PHNWR staff, subject: PHM Biological Peer Review (forwarding attached DRAFT)
US000369	Undated	CFA between PHNWR and Ockels Farms (3/15/03 – 12/15/03)
US000379	Undated	CFA between PHNWR and J. Carlton Wells & Sons, Inc. (3/15/03 – 12/15/03)
US000382	Undated	CFA between PHNWR and James C. Wells, Jr. (3/15/03 – 12/15/03)
US000385	Undated	CFA between PHNWR and Fred A. Bennett (3/15/03 – 12/15/03)
US000388	4/10/03	Email chain ending with Email from Larsen/PHNWR, to O’Shea/PHNWR, re: Use of GMOs on R5 Refuges: EXCEPTION for this Year Only, forwarding attachment

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US000391	5/23/03	Memo to Director (CNWR/DNR), from ARD/R5, subject: Response to Questions on Use of GMOs on NWRs
US000393	7/8/03	Email chain ending from Dowhan/R5/NWRS, to Talbott/R5/NWRS, subject: DRAFT GMO Delegation of Authority
US000395	11/14/03	PHNWR Pesticide Use Report for CY 2003
US000408	2003	PHNWR Farming Program 2003, Comments
US000410	2003	PHNWR Grasslands Management-2003, Suggestions
US000412	1/7/04	PHNWR CCP Refuge Staff Meeting Notes
US000416	2004	PHNWR Annual Habitat Work Plan CY 2004, Summary for 2004 Management activities on upland habitats
US000419	10/28/03	Letter from David H. Wells to the Governor, subject: concern over current management of PHNWR.
US000420	2003	PHNWR Farming 2003 – maps
US000426	1/12/04	Email chain ending with Email from Larsen/PHNWR, to Schafler/PHNWR, Subject: Farming Agreements CY 2004
US000428	1/20/04	Email chain ending with Email from Larsen/PHNWR, to Laskowski, Taylor, Dowhan, Fannin (R5) and Lyon NWRS, subject: Proliferation of GMO crops in Hawaii, Nebraska and elsewhere
US000433	2/23/04	Letter from Schafler/PHNWR to Fred A. Bennett, subject: USFWS CFA for 2004 and Special Use conditions for PHNWR
US000442	3/9/04	CFA between PHNWR and J. Carlton Wells and Sons, Inc. (3/15/04 – 12/15/04)
US000451	Undated	CFA between PHNWR and Fred A. Bennett (3/1/04 – 12/15/04)
US000460	3/22/04	DRAFT – Preliminary Report to NWRS and NRCS – Grassland bird breeding use of managed grasslands on NWRs within R5 of the USFWS, authors: USGS, FWS, SUNY College at Brockport, Dept of Environmental Science

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US000501	4/1/04	USDA Farm Service Agency – Notification of Bases, Payment Yields, and CRP Reductions after Reconstitution
US000503	4/04	GMOS-Unlabeled and Untested: What is at Risk? A NWR Biologist's Perspective for PHNWR, author: Larson/PHNWR
US000509	3/29/04	Email chain ending with Email from Hogan/FWS, to Stasko/R5/FWS/NWRS, subject: Prime Hook letter for farmers on GMO's
US000510	4/04	Comments on Draft Modified Crops (GMCs) on NWRS, author: unknown
US000511	4/28/04	Email from Schafler/PHNWR to Stasko/R5/FWS/NWRS, Subject: A Day with Otis
US000512	5/7/04	Email from Wilson/R5/FWS/NWRS, to Schafler/PHNWR, subject: Farming fields
US000514	11/1/04	Email from Czech/R9/FWS/NWRS, to Dowhan/R5/FWS/NWRS, subject: draft GMC policy
US000523	11/22/05	Email chain ending with Email from Dowhan/R5/FWS/NWRS, to R5 Refuge Managers, subject: Draft GMC Policy
US000526	11/22/05	Email chain ending with Email from Taylor/R5/FWS/NWRS, to Stasko/R5/FWS/NWRS, subject: GMO Verbiage in Refuge Biological Integrity Policy
US000531	11/30/04	Email chain ending with Email from Stasko/R5/FWS/NWRS, to Schafler/PHNWR, subject: Farming Guidance-again
US000532	12/29/04	Email chain ending with Email from Wolflin/R5/FWS/CBFO, to Schafler/PHNWR, subject: Request for opinion – GMCs
US000534	8/29/04	PHNWR Annual Habitat Work Plan – CY 2004
US000563	1/05	PHNWR Annual Habitat Work Plan, January 2005
US000572	2/10/05	Email from Koroski/R5/FWS/NWRS, to Schafler/PHNWR, subject: Finalized DRAFT Response (with attachment – Letter to Mr. Karl E. Schweiger regarding PHNWR management and operations)

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US000576	3/4/05	CFA between PHNWR and J. Carlton Wells and Sons, Inc. (3/15/05 – 12/1/05)
US000582	3/4/05	CFA between PHNWR and Fred A. Bennett III (3/15/05 – 12/1/05)
US000590	3/8/05	Letter from Barry R. Fry to Stemler, Special Asst to the Director, re: concerns over the management of PHNWR
US000592	3/8/05	Letter from concerned citizens for Prime Hook to Stemler, Special Asst to the Director, re: concerns regarding use of the PHNWR
US000593	3/8/05	Letter from Ralph W. Holston, Jr., to Stemler, Special Asst to the Director, FWS, re: concerning management of PHNWR
US000594	3/21/05	Letter from Wayne M. Sammons to Stemler, Special Asst to the Director, FWS, re: concerns at PHNWR
US000596	3/28/05	Letter from Thomas H. Draper to Stemler, Special Asst to the Director, FWS, re: concerns over reduction of farming program at PHNWR
US000597	3/31/05	Email from Stasko/R5/FWS/NWRS to Koroski/R5/FWS/NWRS, subject: Fry, Holston and 28 other signatories' replies (w/draft reply letter attached)
US000607	4/12/05	Email from Stasko/R5/FWS/NWRS to Bennett/R5/FWS, Subject: Outreach Strategy for Prime Hook Management Issues
US000608	4/21/05	Email from Koroski/R5/FWS/NWRS to Stasko/R5/FWS/NWRS and Schafler/PHNWR, subject: Draft CCU – DCN #020592 (with attached draft letters to Ralph Holston and Barry Fry in reference to Prime Hook Management Issues)
US000616	5/2/05	Email from Koroski/R5/FWS/NWRS to Schafler/PHNWR and Stasko/R5/FWS/NWRS, subject: FINALIZED Draft Response (with attached draft response to concerned citizens for Prime Hook)
US000621	5/31/05	Email from Stasko/R5/FWS/NWRS to Schafler/PHNWR, subject: Recent meetings with Rick Bennett

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US000622	6/30/05	News Release – PHNWR to Host Town Hall Public Meeting on Wednesday, July 13, 2005 to Discuss Wildlife Habitat Management Programs
US000623	6/27/05	Email chain ending with Email from Laskowski/R5/FWS/NWRS to Schafler, PHNWR, subject: Waterfowl Mgmt at Prime Hook (with attached Delaware Waterfowl Survey data and PHNWR Waterfowl Survey data)
US000628	7/13/05	PHNWR Town meeting 7-9:00PM, July 13, 2005, for comments and information exchange between Service and public, summary of comments/questions
US000636	7/20/05	The Sussex Countian, Local News article, Prime Hook looks to develop long-term management plan, author: Patrick Varine
US000639	7/25/05	Letter from Ralph W. Holston, Jr., to Stemler, Special Asst to the Director, FWS, re: concerns over management at PHNWR
US000640	7/27/05	Email from Christopher Heckscher/Delaware Natural Heritage Program to Larsen/R5/PHNWR, subject: Papaipema maritima and Helianthus at PHNWR
US000641	8/1/05	Letter from Charles N. Darling to Hogan, Director, FWS, re: comments regarding the first Town Hall CCP meeting for PHNWR
US000644	8/3/05	Email chain ending from Schafler/PHNWR to Bonetti and Stasko/R5/FWS/NWRS, subject: Letter to FWS Director Hogan from Charles Darling
US000646	8/8/05	Migratory Bird Management and PHNWR CCP Summary, Larsen, Wildlife Biologist
US000647	8/9/05	Letter from David W. Weber to Hogan, Director, FWS, re: concerns over grasslands being converted to farmland
US000648	9/05	Draft of Response to Cape Gazette Editorial of August 16, 2005 re: management of PHNWR
US000649	8/18/05	Email chain ending with Email from Stasko/R5/FWS/NWRS to Schultz/R9/FWS/NWRS, subject: Letter from David Weber – need response (with attached draft response letter)

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US000654	8/16/05	Cape Gazette Editorial – Don't forget Prime Hook promises
US000655	8/25/05	Region 5 Briefing from the Regional Director, R5, prepared for the Director, subject: Federal Register Notice of Intent to Prepare a CCP and EA For PHNWR
US000656	8/26/05	Response letter from Bennett, Acting Regional Director, R5, FWS, to Mr. Charles N. Darling re: response to concerns over management actions at PHNWR
US000658	8/26/05	Response letter from Bennett, Acting Regional Director, R5, FWS, to Mr. Ralph W. Holston, Jr., re: response to concerns regarding recent and future management actions at PHNWR
US000660	8/30/05	Letter from Otis J. Clifton to Cape Gazette Editor re: his opinion regarding the Gazette editorial of August 16 called "Don't Forget Broken Promises"
US000662	9/10/05	Petition for Jonathan Schafler/PHNWR, re: Petition by the Sussex Bird Club for the Management Of Grassland Habitat at PHNWR
US000665	9/23/05	Farm Program Changes at PHNWR for the 2006 Season
US000688	9/26/05	Email chain ending with Email from Stasko/R5/FWS/NWRS to Schafler/PHNWR, subject: Pre-study Agriculture at Prime Hook
US000689	9/29/05	Letter from Christopher M. Heckscher, State of Delaware, Dept of Natural Resources and Environmental Control to Jonathan Schafler/PHNWR, re: Conveying discovery of Papaipeoma maritime (a plant - Stem boring moth) at PHNWR
US000691	9/8/05	News Release – Migratory Bird Management and Prime Hook
US000692	9/05	Letter re: PHNWR, Milton, DE eliminates Wild Bird Habitat in favor of farming in violation of USFWS policy
US000693	9/27/05	Letter from Bennett, Acting Regional Director, R5, FWS, to Mr. David W. Weber re: replying to his concerns regarding recent and future management actions of grassland habitat at PHNWR

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US000694	10/3/05	Email chain ending with Email from Stasko/R5/FWS/NWRS to Dowhan, and Talbott/R5/FWS/NWRS, subject: [DRIPP] Threat to Prime Hook NWR
US000698	10/3/05	Email chain ending with Email from Larsen/PHNWR to Christopher Heckscher, State of Delaware, subject: [DRIPP] Threat to PHNWR
US000701	10/4/05	Email from Bonetti/R5/FWS/NWRS to Schafler/PHNWR, subject: draft of basic response to letter – Prime Hook CCP
US000703	10/4/05	Email chain ending with Email from Bill Fintel to Glen Lovelace, subject: Prime Hook Letter
US000709	10/4/05	Letter from Stasko, R5, to Ms. Joan S. Cwi re: response to concerns regarding management actions of Grassland habitat, and possible leasing of refuge lands to farmers
US000710	10/05	Estimated costs for plowing and planting fields at PHNWR
US000711	10/5/05	Fax from Otis J. Clifton to Rick Bennett, Deputy Regional Director, R5, FWS, subject: Memorandum number 6 regarding PHNWR
US000716	10/17/05	Email chain ending with Email from Sara O'Byrne, subject: Prime Hook legal action??
US000730	10/20/05	Letter from Herbert C. Archdeacon to Hogan, Acting Director, FWS, re: Feelings about the future of PHNWR
US000731	10/27/05	Email from Stasko/R5/FWS/NWRS to Laskowski/R5/FWS/NWRS, subject: Decisions Being made at Prime Hook have the full endorsement of the Regional Office
US000732	11/2/05	DRAFT – PHNWR CCP Comments and Recommendations, author: William A. Fintel
US000735	11/3/05	DRAFT Background on PHNWR and management focus for the CCP, author: Bonetti, R5, FWS, NWR
US000737	11/3/05	DRAFT Letter to Ms. Wendy B. Olsson from Brady/R5/FWS/NWRS, re: response to the Freedom of

PAGE	DATE	DESCRIPTION
		Information request regarding compatibility determinations at PHNWR
US000739	11/7/05	PEER – News Release – Wildlife Refuge used for GMC
US000741	11/7/05	Letter from Gene Hocutt, PEER Refuge Keeper to Marvin Moriarty, Regional Director, R5, FWS, re: Conveying concerns relative to the continuing Agricultural operations at PHNWR
US000744	11/8/05	Cape Gazette news article, Planning Prime Hook's future hot topic at meeting, author: Jim Cresson
US000746	11/8/05	The News Journal article, Conservationists upset by farming at Prime Hook, author: Molly Murray
US000748	11/9/05	The news Journal article, Stewards of Prime Hook get an earful, Public says feds have lost sight of original purpose of Refuge: protecting birds, author: Molly Murray
US000750	11/10/05	Cape Gazette article, Prime Hook Refuge seeks public input on 15-year master plan, author: Jim Cresson
US000751	11/10/05	Email chain ending with Email from Stasko/R5/FWS/NWRS to Bekkerus/R9/FWS/NWRS, subject: Prime Hook
US000753	11/14/05	Cape Gazette news article, PHNWR approaching a harmonious balance between wild and cultivated, author: Dennis Forneu
US000754	11/16/05	Email from Braudis/R5/FWS/NWRS to Stasko/R5/FWS/NWRS, subject: Information Statement (w/attachment Draft PHNWR Farming Compatibility Response)
US000757	11/16/05	Letter from Nicholas A. DiPasquale, Delaware Audubon Society to Schafler, PHNWR, re: appreciation for the public meetings on the CCP and additional questions
US000760	11/22/05	Email chain ending with Email from Stasko/R5/FWS/NWRS to Taylor/R5/FWS/NWRS, subject: Wildlife Refuge used For GMC
US000763	11/22/05	Email chain ending with Email from Taylor/R5/FWS/NWRS to Stasko/R5/FWS/NWRS, subject: GMO verbiage In Refuge Biological Integrity Policy

PAGE	DATE	DESCRIPTION
US000766	11/22/06	Email chain ending with Email from Taylor/R5/FWS/NWRS to Stasko/R5/FWS/NWRS, subject: Draft GMCs Policy
US000770	12/21/05	Letter from Nicholas A. DiPasquale, Delaware Audubon Society to Schafler, PHNWR, re: Delaware Audubon's Info request of November 16, 2005
US000771	1/24/06	Delaware Nutrient Management January 2006 legal notice - 2 nd notification required nutrient management planning at PHNWR
US000772	1/26/07	Email chain ending with Email from Czech/R9/FWS/NWRS to Leslie Marler/R9/FWS/NWRS, subject: GMC emails, set #10 (with 5 attachments)
US000801	1/30/06	Letter from Michael H. McGrath, Delaware Agricultural Lands re: -2 nd notice: selection process for permanent preservation on farm land
US000802	11/28/05	Email from Schafler/PHNWR to Schafler/PHNWR, subject: Small follow through on GMO use
US000803	12/5/05	Letter from Anthony Leger, Regional Chief, R5, NWRS, to Mr. Gene Hocutt, PEER, re: response to issues and concerns relative to the continuing agricultural programs at PHNWR
US000806	1/10/06	Email chain ending with Email from Larsen/R5/FWS/NWRS to Schafler/PHNWR, subject: None, re: update that all items on PEER's FOIA list were copied
US000810	1/17/06	Letter from Schafler/PHNWR to Cooperative Farmers re: confirming recent policy changes that FWS is implementing and the changes that will result to the farming practices on NWRs and specifically on PHNWR
US000812	3/8/06	Email chain ending with Email from O'Shea/PHNWR to Schafler/PHNWR, subject: R5 response on use of GMO on NWRs
US000814	3/8/06	Email chain ending with Email from Larsen/PHNWR to Schafler/PHNWR, subject: Draft GMCs Policy
US000818	10/17/05	Federal Register, Vol. 70, No. 199/Monday, October 17, 2005/Notices - Notice of Intent to Prepare a CCP and EA for PHNWR

PAGE	DATE	DESCRIPTION
US000819	10/17/05	FWS Media Alert – Service Seeks Public Involvement in Developing Long Range Plan for Prime Hook Refuge
US000821	1/12/06	Email chain ending with Email from Schafler/PHNWR to Bonetti and Stasko/R5/FWS/NWRS, subject: Audubon follow-up
US000824	1/17/06	Email chain ending with Email from Stasko/R5/FWS/NWRS to Schafler/PHNWR, subject: Follow-up Response and highlighted replies to DE Audubon
US000829	1/26/06	Email chain ending with Email from Mark Martell to Stasko/R5/FWS/NWRS, subject: Audubon interest in Prime Hook management
US000833	3/8/06	Letter from Cathy M. Mesick, Delaware Agriculture Lands, Preservation Foundation to Schafler, PHNWR, re: confirmation of your request for withdraw from the
US000834	3/8/06	Email chain ending with Email from Mitchell/R5/FWS/NWRS to Taylor/R5/FWS/NWRS, subject: Pesticide Combinations imperil frogs
US000840	3/15/06	CFA between PHNWR and Fred A. Bennett III (3/15/06 – 12/1/06)
US000849	3/15/06	CFA between PHNWR and J. Carlton Wells and Sons, Inc. (3/15/06 – 12/1/06)
US000855	Undated	PHNWR Options for Cover Crops 2006 Planting Season
US000856	Undated	Farming at PHNWR – Compatibility Determination for farming Farmland Preservation Program ID#S-96-05-0910
US000857	Undated	Compatibility and Farming at PHNWR, summary of the Policy and it's relevance to the farming program at PHNWR
US000860	Undated	PEEReview, Mutation Refuge System
US000861	Undated	Cape Gazette article, Prime Hook management Attacked, lauded, author: Jim Cresson

PAGE	DATE	DESCRIPTION
US000862	Undated	CCP Comments, PHNWR in the Near Future and In the long run, author: Elizabeth Kraus Dumont
US000863	Undated	Map – PHNWR
US000864	Undated	SAR Proposal, Grassland Bird breeding use of Managed grasslands on NWRs within R5 of the USFWS
US000872	Undated	USGS – Patuxent Wildlife Research Center Science Project – Grassland bird breeding use of managed Grasslands on NWRs within R5 of the FWS, project proposal
US000873	Undated	PHNWR data collected from farmed units
US000884	Undated	Letter from Mitchell, R5 Fire Ecologist, NWRS to Crawford, Refuge Manager, PHNWR, re: comments on Otis Clifton's letter
US000887	Undated	A Grower's Handbook, Controlling European Corn Borer with Bt Corn Technology, primary author: Albert Tenuta, Ontario Ministry of Agriculture Food and Rural Affairs
US000903	3/30/2001	News Release from PHNWR, subject: Biodiversity Project at PHNWR
US000905	Undated	DRAFT – Letter from Director, FWS, to Mr. Barry R. Fry re: response of March 8, 2005 letter relating concerns regarding the management of PHNWR
US000908	Undated	DRAFT letter response to correspondence dated March 8, 2005 relating to concerns about the management of the PHNWR

VOLUME 2 – GOVERNING LAW, REGULATIONS AND POLICY

PAGE	DATE	DESCRIPTION
US000913	Present Codification	National Wildlife Refuge System Administration and Improvement Acts, 16 U.S.C. §§ 668dd & ee.
US000920	10/9/97	National Wildlife Refuge System Improvement Act, Public Law 105-57

<u>PAGE</u>	<u>DATE</u>	<u>DESCRIPTION</u>
US000930	As of 1/27/98	National Wildlife Refuge System Administration Act
US000952	Present Codification	50 C.F.R. Subchapter C, the National Wildlife Refuge System, Part 25, 26 and 29, Administrative Provisions, Public Entry and Use, and Land Management, respectively
US000980	As of 1/6/99	Refuge Recreation Act, codified at 16 U.S.C Chapter 1
US000984	9/25/62	Letter from Meyer/DOI, Office of the Solicitor to Houston Wilson re: Establishment of PHNWR (with attachment: memorandum of Rissman/Migratory Bird Conservation Commission)
US000986	7/14/81	DOI, Departmental Manual, Part 517, Environmental quality, Pesticide Use Policy
US000990	8/29/84	FWS, Refuge Manual, Waterfowl Management, Chapter 7, Section 3.
US001016	5/24/85	FWS, Refuge Manual, Cropland Management, Chapter 6, Section 4.
US0001035	3/25/92	FWS, Director's Order No. 42, Existing Manuals, Handbooks and Other Directives
US0001037	12/30/96	FWS, National Policy Issuance #96-09, Executive Order 12996 – Management and General Public Use of the National Wildlife Refuge System
US001039	10/29/96	FWS, National Policy Issuance #96-10, the National Wildlife Refuge System – Promises for a New Century
US001042	5/25/2000	FWS, National Wildlife Refuge System, Final Refuge Planning Policy, 65 Fed. Reg. 33892
US001071	6/21/2000	FWS Manual, Part 602, Section 1, Refuge Planning Overview
US001079	6/21/2000	FWS Manual, Part 602, Section 3, Comprehensive Conservation Planning Process
US001102	6/21/2000	FWS Manual, Part 602, Section 4, Step-Down Management Planning
US001119	10/18/2000	FWS, Final Compatibility Policy, 65 Fed. Reg. 62484

PAGE	DATE	DESCRIPTION
US001146	10/18/2000	FWS, Final Compatibility Regulations, 65 Fed. Reg. 62458
US001164	11/17/2000	FWS Manual, Part 603, Section 2, Compatibility
US001166	1/16/01	FWS, Policy on Maintaining the Biological Integrity, Diversity, and Environmental Health of the National Wildlife Refuge System, 66 Fed. Reg. 3810
US001181	1/18/01	FWS, Director's Order No. 132, National Wildlife Refuge System Mission, Goals and Purposes
US001186	1/3/01	FWS Training Manual, Refuge Compatibility, National Conservation Training Center
US001243	2/8/01	FWS, Notice of Delay of Effective Date for the Policy on Maintaining the Biological Integrity, Diversity, and Environmental Health of the National Wildlife Refuge System, 66 Fed. Reg. 9593
US001245	4/16/01	FWS Manual, Part 601, Section 3, Biological Integrity, Diversity, and Environmental Health
US001256	6/19/02	FWS Manual, Part 620, Section 1, Habitat Management Plans
US001262	2/19/03	Memorandum from Leger/FWS/RO to FWS Region 5 Refuge Managers re: Guidance on use of genetically modified plant, animal and microbial organisms.
US001263	12/29/03	Memorandum from Hogan/Dept'y Director/FWS to FWS Regional Directors re: Implementation of the Habitat Management Policy (with attachments)
US001282	1/13/04	E-mail chain ending with from McMahon/FWS/RO to FWS Region 5 Refuge Managers conveying attached guidance from FWS/Dept'y Director, re: guidance on use of genetically modified crops on refuges
US001285	3/8/04	DOI, National Environmental Policy Act Revised Implementing Procedures, 69 Fed. Reg. 10866
US001308	5/27/04	DOI, Departmental Manual, Part 516, Ch. 1, NEPA, Protection and Enhancement of Environmental Quality

PAGE	DATE	DESCRIPTION
US001316	5/27/04	DOI, Departmental Manual, Part 516, Ch. 3, NEPA, Environmental Assessments
US001318	5/27/04	DOI, Departmental Manual, Part 516, Ch. 6, NEPA, Managing the NEPA Process
US001321	6/21/05	DOI, Departmental Manual, Part 516, Ch. 2, NEPA, Initiating the NEPA Process
US001329	5/27/04	DOI, Departmental Manual, Part 516, Ch. 8, Managing the NEPA Process, FWS
US001336	Undated	FWS, RO, Memorandum titled: The Most Essential Things You Need to Know About Compatibility Determinations but Haven't yet Read About or Were Afraid to Ask, author unknown
US001342	Undated	FWS, PHNWR Refuge Purposes, downloaded from the FWS intranet website
US001343	Undated	FWS, PHNWR, Fact Sheet on Refuge History

**VOLUME 3 – DELAWARE NATURAL
HERITAGE PROGRAM SURVEYS OF PHNWR**

PAGE	DATE	DESCRIPTION
US001344	9/10/03	Cooperative Agreement between the Delaware Department of Natural Resources and FWS, re: natural community, rare plant and rare animal surveys, # 50181-3-J064
US001355	1/9/04	FWS meeting notes re: refuge surveys conducted by Delaware Natural Heritage Program
US001366	2/05	Zoological surveys of Prime Hook NWR, 2004: An interim report on rare and uncommon species found, Heckscher/DE Natural Heritage Program
US001372	2/05	Rare plant surveys of Prime Hook NWR, 2004: An interim report, McAvoy/DE Natural Heritage Program

<u>PAGE</u>	<u>DATE</u>	<u>DESCRIPTION</u>
US001376	7/13/05	E-mail chain ending with e-mail from Schafler/PHNWR to Larsen/PHNWR, forwarding enclosure (letter from Moore/Delaware Division of Fish and Wildlife re: scope of biological surveys)
US001379	1/06	Draft final report on botanical and zoological surveys (2004-2005) and draft interim report on natural community surveys (2005), submitted pursuant to cooperative agreement # 50181-J064, DE Natural Heritage and Endangered Species Program